GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS - Registration & Stamps Department – Certain Irregularities committed by Sri P. Sivanandam, former Sub Registrar, Tenali, Guntur District (now retired) – Review under Rule 40 of APCS(CC&A)Rules read with Rule 9 of APRP Rules, 1980 – Imposing a penalty of 5% cut in pension permanently besides recovery of loss i.e. Rs. 6,15,490/- Orders issued –Representation filed – Examined – Decided to modify the penalty 5% cut in pension permanently to that of penalty 5% cut in pension for (five)5 years besides recovery of amount Rs 6,15,490/- against Sri P. Sivanandam, Sub-Registrar (Retd.), Tenali, Guntur District – Concurrence of the Commission obtained – Orders issued –Reg.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.807 **Dated:09.10.2020**

Read the following :-

1. C&IG, R&S, AP, Hyd., Lr No. X1/7342/2008, dated: 01.05.2009.
2. Govt.Memo No. 24279/Vig.VI(1)/2009-5, dated: 23.06.2012.
3. Explanation of Sri P. Sivanandam, SR (Retired), dt: 04.10.2012.
4. Govt.Memo No. 24279/Vig.VI(1)/2009-8, dated: 10.09.2013.
5. Explanation of Sri P.Sivanandam, SR (Retired), dt. 16.11.2013.
6. Govt.Lr. No. 24279/Vig.VI(1)/2009-8, dated: 28.12.2013.
7. From the Secy., APPSC, Lr.No. 354/RT/2/2014, dt: 21.05.2014.
8. Govt.Memo No. 24279/Vig.VI(1)/2009-13, dated: 27.06.2014.
9. Secy., APPSC, Lr.No. 354/RT/2/2014, dated: 09.07.2014.
10. G.O.Rt No. 692, Rev (Vig.II)Deptt., dated: 11.07.2014.
11. Review petition of Sri P. Sivanandam, former Sub Registrar (Retd), dated: 8.10.2014.
12. Representation of Sri P.Sivanandam, former Sub-Registrar (Retd), dated: 5.12.2014.
13. Govt. Memo No. 24279/Vig.VI(1)/2009-14 dated: 22.12.2014 and reminders thereon. Last reminder on 7.11.2016.
14. From D&IG,R&S, AP, VJA, Lr No.X1/7342/2008, dt.13.09.2017.
15. Representation of Sri P. Sivanandam, Sub-Registrar Grade-II (Retd.), dated 25.11.2019.
16. Govt. Lr No.24729/Vig.II(1)/2009, Dated: 20.02.2020.
17. From the Secretary, APPSC, Lr No. 129/DC&C/2020, Dated: 08.06.2020.

@@@

O R D E R :

Whereas, the Vigilance and Enforcement (Vigilance & Enforcement) Department, conducted an enquiry on the complaint and detected loss of stamp duty and registration fees of Rs.6,15,490/- in r/o sale deed No.4111 & 4514 of 2004 which was registered by Sri P.Sivanandam, former I/c.Sub Registrar, Tenali (now retired). The Director General, Vigilance & Enforcement Department directed to initiate action against the Accused Officer. Accordingly, instructions were issued to the Deputy Inspector General, Registration & Stamps, Guntur for taking disciplinary action.

2. Whereas, the Disciplinary Authority and the Deputy Inspector General, Registration & Stamps Department, Guntur framed the following charges against Sri P.Sivanandam, former I/c.Sub-Registrar, Tenali and conducted regular enquiry in which charges were not held proved:

Charge-I:-

"That Sri P.Sivanandam, Sr.Asst., R.O. Guntur while working as I/c S.R, SRO, Tenlai has assigned Regular No.4111/04 on 04-10-2004 to the pending doct.No.93/04 of SRO, Tenali by adopting the value at the rate of

Contd.,2

Rs.2,50,000/- per acre instead of adopting the site rate of Rs.510/- per sq.yard to the property registered in the document in violation of the C&IG Circular Memo.No.MV1/27266/94-2, dt.30-09-94 resulting in loss of Stamp duty of Rs.3,08,801.28 Ps and registration fees of Rs.12,861/- i.e., total loss of revenue of Rs.3,21,662.28/-".

Charge-II:-

"That Sri P.Sivanandam, Sr.Asst., R.O, Guntur while working as I/c S.R, SRO, Tenali has registered the Doct.No.4514/04 on 1-11-2004 by adopting value at the rate of Rs.2,50,000/- per acre instead of adopting the site rate of Rs.510/- per sq.yard to the property registered in the document in violation of the C&IG circular Memo.No.MV1/27266/94-2, dt.30-09-94 resulting in loss of stamp duty of Rs.2,82,080.48 ps and registration fees of Rs.11,757.52 Ps i.e., total loss of revenue of Rs.2,93,838.00."

3. Whereas, after examining findings of the Regular Enquiry Officer, the Disciplinary Authority and the Deputy Inspector General, Registration & Stamps, Guntur has issued final orders, exonerating the Accused Officer, vide Procs.No.A1/191/07, dt:31.08.2007. On which, the Commissioner & Inspector General, Registration & Stamps has ordered for re-enquiry in the matter. Accordingly, the Regular Enquiry Officer completed re-enquiry and submitted report vide letter dt:6-11-2007 concluding that in such case, the registering officer's hand are tight to elicit the higher rate and requires necessary orders to adopt higher rate than the existing agriculture rate and finally held that charges are not held proved. After examining the report, the Commissioner & Inspector General, Registration & Stamps reviewed the case under Rule 40 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and issued a Show Cause Notice vide Memo.No.X1/7342/2008, dt:2.09.2008. After examining the explanation of the Charged Officer, the appellate authority i.e., the Commissioner & Inspector General has decided that there were no irregularities in the above procedure and there is no deficit stamp duty since the party adopted the values as per the market values guidelines register adopting square yards rate for small plots and acre rates for large extent and opined that there was no irregularity in the procedure adopted by the Sub Registrar and stated that it is accepted procedure and it is opined that there was no deficit stamp duty and that the Sub Registrar is not found at fault. The same was reported to the Director General (Vigilance & Enforcement) vide reference 1st read above.

4. And whereas, Government have reviewed the case under Rule 41 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 read with Rule 9 of Andhra Pradesh Revised Pension Rule's 1980 as Sri P.Sivanandam, former Sub Registrar, Tenali, Guntur District retired from service on 30-04-2009 and issued Show Cause Notice proposing the penalty 5% cut in pension permanently besides recovery of loss Rs 6,15,490 vide reference 4th read above. After following due procedure, final orders issued vide reference 10th read above, imposing the penalty 5% cut in pension permanently besides recovery of loss Rs.6,15,490/- against Sri P.Sivanandam, former I/c.Sub-Registrar, Tenali (Retired).

5. Aggrieved by the above orders, the Charged Officer has filed a review petition dated 8-10-2014. In the meantime he filed OA No 4511 of 2015 in the Andhra Pradesh Administrative Tribunal and later it was dismissed on 13.12.2017. In his review petition, he has requested the Government to set aside the penalty 5% cut in pension permanently besides recovery of loss Rs.6,15,490/- as he has not suppressed any facts and registered the documents only after receipt of clarification and instructions for adoption of market value from the District Registrar, Guntur. Government called for the remarks of the Director & Inspector General, Registration & Stamps, Andhra Pradesh.

Contd.,3

6. While the matter is under examination, Sri P.Sivanandam, former Sub Registrar (Retired), in his representation vide reference 15th read above, stating that he retired from service as Sub Registrar on 31-04-2009 and since then he did not receive the full amount of his pensionary benefits. An amount of Rs 6,15,490/- was recovered from his pensionary benefits and an amount of 5% cut on the basic pension is being recovered regularly from his pension amount, which is very harsh during the present days and requested to consider his representation and to drop punishment against him in this case.

7. Government in consultation with the Commissioner & Inspector General, Registration & Stamps, have decided to modify the penalty of 5% cut in pension permanently besides recovery of loss of Rs. 6,15,490/- to that of penalty 5% cut in pension for 5 years, besides recovery of amount Rs.6,15,490/- against Sri P.Sivanandam, former Sub Registrar (Retired), Tenali, Guntur District and consulted the Andhra Pradesh Public Service Commission for concurrence.

8. In the reference 17th read above, the Andhra Pradesh Public Service Commission has conveyed their concurrence to the above proposal.

9. Accordingly, Government after careful examination of the matter hereby order to modify the penalty of 5% cut in pension permanently, besides recovery of loss of Rs. 6,15,490/- to that of penalty five(5%) cut in pension for a period of five (5) years, besides recovery of amount Rs 6,15,490/- against Sri P.Sivanandam, former Sub Registrar (Retired), Tenali, Guntur District.

10. The Commissioner & Inspector General, Registration and Stamps, Vijayawada shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P.Sivanandam, former Sub Registrar (Retired), Tenali, Guntur District.
(Through, the Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.
The Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:
The Principal Accountant General (A&E), AP, Hyderabad.
The Deputy Inspector General, Registration and Stamps, Guntur.
The Secretary to Andhra Pradesh Public Service Commission, Vijayawada.
The Revenue (Registration.I) Department.
The Director General, Vigilance & Enforcement, Andhra Pradesh, Vijayawada.
Sf / Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER